

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2958 of 2019

Arising Out of PS. Case No.-202 Year-2014 Thana- THAKRAHA District- West Champaran

1. Ambika Yadav, Son of Dudhuni Yadav Resident of Village - Bairatwa, P.S.- Thakraha Bhitaha, District - West Champaran.
2. Sanjay Yadav Son of Jai Shree Yadav Resident of Village - Bairatwa, P.S.- Thakraha Bhitaha, District - West Champaran.
3. Santosh Yadav Son of Ambika Yadav Resident of Village - Bairatwa, P.S.- Thakraha Bhitaha, District - West Champaran.
4. Manjesh Yadav Son of Rajmangal Yadav Resident of Village - Bairatwa, P.S.- Thakraha Bhitaha, District - West Champaran.
5. Jaishree Yadav Son of Dudhuni Yadav Resident of Village - Bairatwa, P.S.- Thakraha Bhitaha, District - West Champaran.
6. Raj Mangal Yadav Son of Sant Yadav Resident of Village - Bairatwa, P.S.- Thakraha Bhitaha, District - West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gauri Shankar Thakur
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 16-11-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 01.05.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Bettiah, West Champaran in connection with Thakraha Bhitaha P.S. Case No. 202 of 2014, registered under Sections 147, 341 and 504 of the Indian Penal Code and



Section 3(1)(x) of the SC/ST Act.

Accusation is that before some days after arrangement of Panchayati path was demarcated in front of the house of informant Subash Baitha. Thereafter, in the evening of 05.12.2014, Ambika Yadav (Appellant No.1), Raj Mangal Yadav (Appellant No.6), Jaishree Yadav (Appellant No.5) blocked the path putting thatched wall, when informant made protest then the aforesaid persons and five others named in the F.I.R. started to abuse and assault through fist and slaps, when Birendra Baitha rushed to save to informant, but he was also assaulted by them, when Harbhajan Baitha, cousin of the informant rushed to save then Ambika Yadav caused injury at his neck through Lathi. Thereafter, Amrawati Devi, Bidawati Devi, Sangita Devi and Fulpati Devi rushed to save then they were also assaulted. At that time, Santosh Yadav snatched Mangalsutra of Bidawati Devi.

Learned counsel appearing on behalf of appellants submits that, in fact, the land of the appellants is situated in front of the house of the informant on which appellants started to put thatched wall, but informant and his other family members made protest on which scuffle took place and slight injuries received by the informant and others. Further submission is that



it would appear from the F.I.R. that there is no whisper of abusing the informant in public place denoting his caste as such provision of SC/ST Act will not applicable in this case.

Learned Spl. PP for the State opposed the prayer for bail, but conceded that the injuries as found on the person of informant and others are simple in nature.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Bettiah, West Champaran in connection with Thakaraha P.S. Case No. 202 of 2014 (Tr. No. 119 of 2017), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Rajendra Kumar Mishra, J)

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